

SECTION 8

EFFECTUAL CLAUSES

SECTION 8-1. EXCEPTIONS.

Where the subdivider can show that the strict adherence of any provision of this subdivision Ordinance would cause an unnecessary hardship, Council may approve a departure upon the written recommendation of the Planning Commission.

SECTION 8-2. PENALTIES.

Any person violating any of the provisions of this Ordinance shall be subject to a fine of not more than \$100.00 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or used in the process of selling or transferring shall not exempt the transaction from such penalties or from remedies herein provided.

SECTION 8-3. ENFORCEMENT.

The Administrator shall be charged with the enforcement of this Ordinance.

SECTION 8-4. VALIDITY.

Should any article, section, subsection or provision of this subdivision Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of this subdivision Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

SECTION 8-5. REPEAL.

All Ordinances or portions of Ordinances in conflict with this Ordinance are hereby repealed to the extent of their conflict.

SECTION 8-6. AMENDMENTS.

The Planning Commission on its own initiative or on request of the City Council shall prepare and recommend amendments to this Ordinance. No such amendment shall be adopted until notice has been given as required by Section 15.1-431, Code of Virginia (1950) as amended; provided that no such amendment shall be adopted without a reference of the proposed amendment to the Planning Commission for recommendation, not until sixty days after such reference, if no recommendation is made by the Commission.

SECTION 8-7. EFFECTIVE DATE.

This Ordinance shall be effective on and after 12:01 A.M. on June 15, 1977.

**AN ORDINANCE REPEALING AND RE-ENACTING THE
"LAND SUBDIVISION ORDINANCE OF THE CITY OF
WINCHESTER, VIRGINIA"**

AN ORDINANCE to regulate the subdivision of land within the corporation limits of the City of Winchester into lots, streets, alleys and public areas; to provide for the making and recording of plats of such subdivisions and certification of same, defining certain terms; providing for physical improvements; requiring plans and specifications for same; prescribing penalties for violations; providing for the approval of plats.

WHEREAS, pursuant to the provisions of Sections 15.1-465 et. seq., of the Code of Virginia (1950) as amended, the City of Winchester is authorized to adopt regulations to assure the orderly subdivision of land and its development and the harmonious and economic development of the City, for coordination of streets within subdivisions of land with other existing or planned streets, for adequate open spaces for traffic, recreation, light and air and for the distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Winchester, Virginia, that the "Land subdivision Ordinance of the City of Winchester, Virginia," adopted October 10, 1967, is hereby repealed and re-enacted to read as follows: